

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 PETER LOUIS FINEGAN, No. C 08-05037 CW (PR)
4 Petitioner, ORDER REGARDING IN FORMA
5 v. PAUPERIS MOTION
6 SANTA CRUZ COUNTY,
7 Respondent.
8 _____/

9 Petitioner filed a pro se petition for a writ of habeas corpus
10 pursuant to 28 U.S.C. § 2254. On that same date, the Clerk of the
11 Court sent Petitioner a notice directing him to pay the filing fee
12 or to file a completed in forma pauperis (IFP) application.
13 Petitioner filed an IFP application; however, Petitioner did not
14 file copies of the Certificate of Funds and prisoner trust account
15 statement.

16 The Court cannot conduct an initial review of this matter
17 until Petitioner has either paid the filing fee or submitted a
18 complete IFP application. See 28 U.S.C. § 1915(a) (a party is
19 permitted to file a civil action in federal court without
20 prepayment of fees or security if he makes affidavit that he is
21 unable to pay such fees or give security therefor). If the
22 petitioner is a prisoner who alleges that he is unable to pay the
23 full filing fee at the time of filing, he must submit: (1) an
24 affidavit that includes a statement of all assets he possesses, and
25 (2) a certified copy of the trust fund account statement for the
26 prisoner for the six-month period immediately preceding the filing
27 of the action, obtained from the appropriate official of each
28 prison at which the prisoner is or was confined. See id.

1 § 1915(a)(1), (2). If the Court determines that the petitioner is
2 unable to pay the full filing fee at the time of filing, the
3 petitioner will be granted leave to proceed IFP.

4 Therefore, before the Court will proceed to review the
5 complaint Petitioner is hereby ORDERED to file copies of the
6 Certificate of Funds and prisoner trust account statement. He
7 shall include with these documents a clear indication that it is
8 for the above-referenced case number, C 08-05037 CW (PR).
9 Petitioner shall do so within thirty (30) days of the date of this
10 Order.

11 Failure to file copies of Petitioner's Certificate of Funds
12 and prisoner trust account statement as ordered herein by the
13 thirty-day deadline shall result in the dismissal of this action
14 without prejudice.

15 IT IS SO ORDERED.

16 DATED: 1/13/09

Claudia Wilken

17 CLAUDIA WILKEN
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

PETER LOUIS FINEGAN,

Plaintiff,

Case Number: CV08-05037 CW

V.

SANTA CRUZ COUNTY et al,

Defendant.

CERTIFICATE OF SERVICE

7 SANTA CRUZ COUNTY et al,
8 Defendant.
9 _____
10 I, the undersigned, hereby certify that
Court, Northern District of California

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on January 13, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
located in the Clerk's office.

15 Peter Louis Finegan 066858
Santa Cruz County Main Jail
259 Water Street
Santa Cruz, CA 95060
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Dated: January 13, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk